

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/000470

International filing date (day/month/year)
24.02.2005

Priority date (day/month/year)
02.03.2004

International Patent Classification (IPC) or both national classification and IPC
B60K1/04, H01M2/10

Applicant
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/B2005/000470**10/591459****Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/000470

**Box No. V Reasoned statement under Rule 43*b/s*.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	6-8,10-12
	No: Claims	1-7,9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the International application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Independent claims 1 and 9

1. The subject matter of independent claims 1 and 9 of the present application cannot be considered as novel (Article 33(2) PCT) for the following reasons :
 - 1.1. The prior art document D1 : JP 08192639 contains all of the features of the claim 1 :
A mounting structure (70,78,79) for a storage battery device (60,62) installed in a vehicle 10, whereby the vehicle 10 has a frame 14 that extends in a longitudinal direction of the vehicle 10; the frame 14 has a deformable portion (14a) that deforms in an up-down direction by a load in the longitudinal direction of the vehicle 10; and the mounting structure (70,78,79) comprises a fixing member 70 that fixes the storage battery device (60,62) to the frame 14 so that the storage battery device (60,62) moves relatively to the deformable portion (14a) when the deformable portion (14a) deforms.
(D1, Abstract & Fig.1-6).

The subject matter of claim 1 is therefore not novel (Article 33(2) PCT).

- 1.2. The prior art document D1 also contains all of the features of the claim 9 :
A mounting structure (70,78,79) for a storage battery device (60,62) installed in a vehicle 10, comprising a fixing member 70 that fixes a rearward portion of the storage battery device (60,62) to the vehicle 10, wherein the fixing member 70 includes an inclined portion that is inclined forwardly upward.
(D1, Abstract & Fig.1-6).

The subject matter of claim 9 is therefore not novel (Article 33(2) PCT).

- 1.3. The documents D2 : US 5476151 (Col.6 l11 - Col.9 l48 & Fig.12-14) and D3 : US

5681057 (Col.12 l7 - Col.13 l65 & Fig.1-7) also show all of the features of a claims 1 and 9.

Dependent claims 2 to 8 and 10 to 12

2. Dependent claims 2 to 8 and 10 to 12 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty and inventive step because these claims relate merely to well-known options and do not appear to contain matter, which goes beyond the technical knowledge of the person skilled in the art or which would indicate the use of inventive ability. Furthermore, the additional features of some of these claims are already known from some of the cited documents, as outlined below :
 - 2.1. The additional features of claims 2 to 5 are already known from the documents D1 (Fig.1-4), D2 (Fig.12-14) and D3 (Fig.1-7).
 - 2.2. The additional features of claims 6 to 8 and 10 to 12 are already known from the document D4 : JP 7117489 (Fig.1-4).

Re Item VIII

Certain observations on the international application

3. Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined because the claim tries to define one entity (a mounting structure) in terms of two other entities (a storage battery device and a frame of a vehicle), which are not part of the first entity. This leads to doubt as to the matter for which protection is sought (see Guidelines, part II, 5.37).